

Serial No. 10/607,560
Submission dated November 8, 2006
Reply to Office Action of August 9, 2006

Docket No. P-0401

Amendments to the Drawings

A Replacement Sheet for Figure 7 has been submitted with this paper to show reference numeral 40 disclosed in a Paragraph [28] of the specification as originally filed.

REMARKS

Claims 1-10, 13-25, 28, and 35-49 are pending. Claims 1, 4, 8, 16, 19, 23, 35, 37, and 38 have been amended and claims 11, 12, 26, 27, and 29-34 have been canceled. Also, an amendment was made to the specification. Because this amendment conforms the specification to subject matter recited in the claims as originally filed, it is respectfully submitted that no new matter has been added.

Applicants also note that a Replacement Sheet for Figure 7 has been submitted with this paper. The Replacement Sheet shows reference numeral 40 which was inadvertently omitted from the drawings. It is respectfully submitted that this Replacement Sheet adds no new matter as reference numeral 40 was disclosed in Paragraph [28] of the specification as originally filed.

Reconsideration of the application is respectfully requested for the following reasons.

In the Final Office Action, claims 1-10, 13-25, 28, and 35-46 were rejected under 35 USC § 103(a) for being obvious in view of a Kjeldsen-Fujiwara combination. This rejection is traversed for the following reasons.

Claim 1 recites an electronic device having a sound generator, a housing, and a sound controller. The sound generator includes a first plurality of holes, the housing includes a second plurality of holes, and the sound controller includes a leakage member formed between the sound generator and housing and having a third plurality of holes. In this paper, claim 1 has been amended to recite "the third plurality of holes leaking the sound into an interior portion of

the housing to prevent the leaked sound from reaching an ear of a user.” These features are not taught or suggested by the cited references.

The Kjeldsen publication discloses a sound transducer 3 mounted within the housing 2 of a telephone handset. (See Figs. 1-3). Unlike claim 1, the Kjeldsen handset does not have a leakage member which leaks sound traveling from holes 10 in the transducer to holes 6 in the handset housing. Instead, as shown in Fig. 1, the sound exiting holes 10 are directed through holes 6 by the solid walls of surface 4, which mounts a housing of transducer 3 to an inner surface of housing 2.

To make up for these deficiencies, the Fujiwara publication was cited. The Fujiwara publication discloses a receiver that includes a case 10, a transducer 20, and a plurality of holes 50 formed in an ear pad 40 of the case. (See Fig. 1). In operation, sound travels from transducer 20 through holes 50 and into a user’s ear, which is pressed up against the ear pad.

The Fujiwara receiver also includes a plurality of sound leakage holes 60 for leaking sound output from the transducer. However, unlike claim 1, sound leakage holes 60 do not perform the function of “leaking the sound into an interior portion of the housing to prevent the leaked sound from reaching an ear of a user.” On the contrary, holes 60 allow the leaked sound to pass directly into the ear of a user along with the sound passing through holes 50.

Moreover, it is respectfully submitted that modifying the Kjeldsen handset to include the sound leakage holes of Fujiwara would not form the device defined in claim 1. Claim 1 requires the third plurality of holes to be formed in a leakage member located between the sound generator and housing. In contrast, the Fujiwara publication discloses forming sound leakage holes 60 in the same portion of the housing that contains the second plurality of holes, namely holes 50. See Fig. 1 which shows that holes 50 and 60 are formed in ear pad 40 which was alleged by the Examiner in the Final Office Action (page 2) to correspond to the housing of the Fujiwara device.

Thus, at best, a Kjeldsen-Fujiwara combination would form sound leakage holes 60 in a portion of the Kjeldsen housing 2, not in support surface 4 (located between the housing and sound transducer) as would analogously be required in order to form the device of claim 1.

In view of the foregoing considerations, Applicants respectfully submit that claim 1 and its dependent claims are allowable over a Kjeldsen-Fujiwara combination.

Claims 16 and 35 have been amended to recite features similar to those which patentably distinguish claim 1 from the cited combination. Applicants therefore submit that claims 16, 35, and their dependent claims are also allowable.

The amendments to claims 4, 8, 19, and 23 were made to correct typographical errors. Support for these amendments may be found throughout various portions of the specification and drawings.

New claims 47-49 have been added to the application.

Claim 47 recites that “the leakage member is disposed as a separate member between the sound generator and housing.” (See, for example, Fig. 6 for support). These features are not taught or suggested by the cited references, whether taken alone or in combination. In Fujiwara, sound leakage holes 60 are formed in ear pad 40, which is part of the housing. These holes are not disposed in a separate member located between a sound generator and a housing as recited in claim 47. And, in Kjeldsen, support surface 4 is formed integrally with the housing (as evidenced by the common hatch marks in Fig. 1) and therefore by definition does not constitute a separate member as recited in claim 47.

Claim 48 recites that “the leakage member includes a ring containing the third plurality of holes.” (See, for example, Fig. 6 for support). These features are not taught or suggested by the cited references, whether taken alone or in combination.

Claim 49 recites that “the leakage member is formed integrally with and protrudes from the sound generator.” (See, for example, Fig. 7 for support). These features are not taught or suggested by the Kjeldsen and Fujiwara publications, whether taken alone or in combination.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and timely allowance of the application are respectfully requested.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to be 'D. Kim', written over the firm name.

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